

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

OCT 26 2001

TECH CENTER 1600/2900

In re the Application of

Pierre CAROL et al.

Application No.: 09/807,867

Filed: June 15, 2001

Docket No.: 109326

For: cDNA SEQUENCE TRANSCRIBING AN mRNA ENCODING THE TERMINAL  
OXIDASE ASSOCIATED WITH CAROTENOID BIOSYNTHESIS, AND USES  
THEREOF

**REPLY TO NOTIFICATION OF DEFECTIVE RESPONSE**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

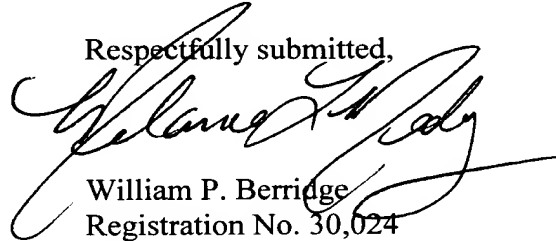
Sir:

In reply to the Notification of a Defective Response mailed July 25, 2001 (copy attached), it is respectfully submitted that a complete reply including a Sequence Listing was timely filed on July 20, 2001, the Declaration having been filed on June 15, 2001. Attached is a copy of the date-stamped postcard acknowledging receipt of the documents filed on July 20, 2001, including a Supplemental Preliminary Amendment forwarding both paper and computer-readable copies of the Sequence Listing. The Supplemental Preliminary Amendment included the required statement that the contents of the paper and computer-readable copies of the Sequence Listing are the same and that no new matter has been added.

Entry of these documents on July 20, 2001, together with the documents filed on June 15, 2001, should have completed all of the filing formalities. Accordingly, prompt examination and allowance of this application are respectfully solicited. However, if the

Patent Office requires an additional copy of the Supplemental Preliminary Amendment and Sequence Listing filed on July 20, 2001, the Patent Office is requested to contact Applicants' undersigned representative.

Respectfully submitted,



William P. Berridge  
Registration No. 30,024

Melanie L. Mealy  
Registration No. 40,085

WPB:MLM/jca

Attachments:

Copy of Notification of a Defective Response  
Copy of Date-stamped Postcard Receipt

Date: August 23, 2001

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/807867	CAROL	P 109326
INTERNATIONAL APPLICATION NO.		

OLIFF & BERRIDGE  
PO BOX 19928  
ALEXANDRIA, VA 22320

PCT/IB99/01719

I.A. FILING DATE	PRIORITY DATE
20 OCT 99	20 OCT 98

DATE MAILED: 25 JUL 2001

## NOTIFICATION OF A DEFECTIVE RESPONSE

August 21, 2001  
NTC of Def. Resp.

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
2. ☐ Applicant's response filed \_\_\_\_\_ was received in the Office after the expiration of the period for response set in the Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).
3. ☒ Applicant's response filed June 15, 2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed May 21, 2001 have not been completed.

- ☐ Translation of the international application into English.
- ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)).
- ☐ Oath or Declaration of inventors(s).
- ☐ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ Surcharge (37 CFR 1.492(e)).
- ☒ Sequence Listing.
- ☒ not in compliance with 37 CFR 1.821-1.825 for the reasons indicated on the attached PCT/DO/EO/920.
- ☐ Additional claim fees.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements (Form DO/EO/905) may be extended under 37 C.F.R. § 1.136(a).

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☒ PCT/DO/EO/920

Barbara A. Campbell

Telephone: 703-305-3631

FORM PCT/DO/EO/916 (March 2001)

DOCKETED  
By PAR on 7/26/2001  
and  
By MPM on 7/27/2001  
Mark A. Carrington



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/807867	CAROL	109326
P		INTERNATIONAL APPLICATION NO.
		PCT/IB99/01719
I.A. FILING DATE		PRIORITY DATE
20 OCT 99		20 OCT 98
DATE MAILED 25 JUL 2001		

OLIFF & BERRIDGE  
PO BOX 19928  
ALEXANDRIA, VA 22320

RECEIVED  
JUL 26 2001  
OLIFF & BERRIDGE

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☒ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:

(703) 308-4216, for Rules interpretation,  
(703) 308-4212, for CRF submission help,  
(703) 287-0200, for PatentIn software help.

Barbara A. Campbell

Telephone: 703-305-3631

FORM PCT/DO/EO/920 (March 2001)

DOCKETED  
By PAK on 7/26 2001  
and  
By MM on 7/27 2001

**PTO RECEIPT FOR FILING OF PAPERS**

**The following papers have been filed:**

PCT Transmittal (in duplicate); Supplemental Preliminary Amendment w/Appendix, Copy of Notification of Missing Rqmts. & Sequence Listing (paper and computer-readable copies); Request for Approval of Drawing Corrections w/red-marked Figure 3; and IDS w/Form PTO-1449, English Language International Search Report and 19 references

**Name of Applicant:** Pierre CAROL et al.

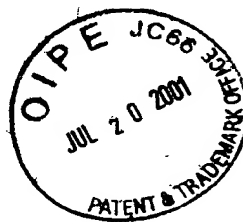
**Serial No.:** 09/807,867

**Atty. File No.:** 109326

**Title (New Cases):**

**Sender's Initials:** WPB:MLM/jca

4919  
Line 6



**PATENT OFFICE DATE STAMP**

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**COPY TO BE STAMPED BY PATENT OFFICE  
AND RETURNED BY MESSENGER**